UNITED STATES PATENT AND TRADEMARK OFFICE

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10/583,480	05/17/2007	Stephan Lietz	10191/4233	4944

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-13 and 15-24* is/are pending in the application.

    4a) Of the above claim(s) *1-8 and 14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-13 and 15-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the Request for Continued Examination filed on

02/19/2009.

2.   Claims 9-13 and 15-24 are pending in this office action. Claims 1-8 and 14 have been

cancelled by the Applicant. Claims 9, 12, 13, 16, and 17 have been amended. Claims 18-24

have been newly added.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   <u>Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.</u>

Claim 17 recites the limitation, "wherein monitoring of the data volume includes

interrupt transfer of at least one isochronous channel through limiting the number of data

transfers for each of a plurality of network nodes", wherein the language is unclear to what the

claimed subject matter is exactly. For example, it is unclear whether the system monitors the

interrupts transfer of at least one isochronous channel, or whether the monitoring function and

additional action performed results in limiting number of data transfers, which then results in the

transfer of the isochronous channel, or refers to a different aspect of the invention.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   <u>Claims 9-13 and 15-19, 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being</u>

<u>unpatentable over Koch et al. (US Patent #4,715,030), hereinafter referred to as Koch, in view of</u>

<u>Ogus (US Patent #6,587,875 B1).</u>

         <u>Regarding claim 9</u>, Koch discloses, a network bridge comprising: wherein the monitoring

arrangement for monitoring is configurable by a higher-level instance, and is configured so that

in addition to an analysis of the data, an operation on the data is performed (Koch, Abstract,

col.1 ln.49-65, col.2 ln.55-62, col.3. ln.1-10, col.4 ln.1-21, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.

Koch discloses various ways of determining the action resulting from monitoring. Koch also

discloses that the monitoring is configurable. For example, filter configuration is configurable.).

         Although Koch discloses a network bridge that monitors both incoming and outgoing

data (Koch, Abstract, col.1 ln.49-65, col.2 ln.55-col.3 ln.10, col.4 ln.54-64, col.6 ln.8-15), Koch

fails to explicitly disclose monitoring the volume of at least one of incoming and outgoing data

flowing through the network bridge and its memory. Ogus discloses a network protocol and

associated methods for optimizing use of available bandwidth across a network under varying

network traffic conditions (Ogus, Abstract). Ogus further discloses monitoring the amount of

data that is communicated to the recipient (col.19 ln.40-56, col.20 ln.8-22). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the

teachings of Koch with those of Ogus to monitor the volume of data communicated. One would

have been motivated to do so since Koch discloses a bridge that enables high bandwidth and high

operating speeds, wherein the system disclosed by Koch monitors the data communicated, and

Ogus discloses a method of optimizing the bandwidth that includes monitoring the amount of

data communicated.

Regarding claim 11, Koch disclosed the limitations, as described in claim 9, and further

discloses, a network bridge wherein the higher-level instance includes at least one of a

management and configuration layer for the network bridge (Koch, Abstract, col.1 ln.49-65,

col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 12, Koch disclosed the limitations, as described in claim 9,

and further discloses, a network bridge wherein the monitoring arrangement for monitoring

encompasses a software component within a network bridge architecture, the component having

at least one of a gateway functionality and a firewall functionality (Koch, Abstract, col.1 ln.49-

65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 13, Koch disclosed the limitations, as described in claim 9,

and further discloses, a network bridge wherein an extent of a data analysis by the monitoring

arrangement for monitoring is adjustable (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6

ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 15, Koch disclosed the limitations, as described in claim 9, and further

discloses, a network bridge wherein an analysis of the data and operation on the data are

performable in various layers of a layer model, including an OSI reference model (Koch, col.1

ln.26-45, col.2 ln.26-26. OSI reference model is disclosed as an example of a layer model, upon which the invention is implemented.).

Regarding claim 16, Koch disclosed the limitations, as described in claim 9, and further discloses, a network bridge according wherein the monitoring arrangement for monitoring is configured to one of block and prioritize at least one of address interfaces, input interfaces, output interfaces, and logged data, on the basis of an evaluation (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42. Koch discloses various ways of determining the action resulting from monitoring, such as blocking transmission from certain addresses, etc.).

Regarding claim 17, Koch discloses, a system comprising: a plurality of network bridges, the monitoring arrangement for monitoring being configurable by a higher-level instance (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42. Koch discloses various ways of determining the action resulting from monitoring.), the monitoring arrangement for monitoring being individually configurable in each network bridge to allow each network bridge, independently of other of the network bridges, to be capable of performing functions of one of a gateway and a firewall;

wherein monitoring of the data volume includes interrupt transfer of at least one isochronous channel through limiting the number of data transfers for each of a plurality of network nodes; and wherein the monitoring arrangement for monitoring is configured in such a way that in addition to an analysis of the data, a manipulation of the data is performed as well (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Although Koch discloses a network bridge that monitors both incoming and outgoing data (Koch, Abstract, col.1 ln.49-65, col.2 ln.55-col.3 ln.10, col.4 ln.54-64, col.6 ln.8-15), Koch

fails to explicitly disclose monitoring the volume of at least one of incoming and outgoing data flowing through the network bridge and its memory. Ogus discloses a network protocol and associated methods for optimizing use of available bandwidth across a network under varying network traffic conditions (Ogus, Abstract). Ogus further discloses monitoring the amount of data that is communicated to the recipient (col.19 ln.40-56, col.20 ln.8-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Koch with those of Ogus to monitor the volume of data communicated. One would have been motivated to do so since Koch discloses a bridge that enables high bandwidth and high operating speeds, wherein the system disclosed by Koch monitors the data communicated, and Ogus discloses a method of optimizing the bandwidth that includes monitoring the amount of data communicated.

Regarding claim 18, Koch disclosed the limitations as disclosed in claim 17, and further discloses wherein the higher-level instance includes a software layer having management and configuration capabilities Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 19, Koch disclosed the limitations as disclosed in claim 17, and further discloses, wherein an extent of data analysis by the monitoring arrangement for monitoring is adjustable, wherein the higher-level instance includes at least one of a management and configuration layer for the network bridge, and wherein the monitoring arrangement for monitoring encompasses a software component within a network bridge architecture, the component having at least one of a gateway functionality and a firewall functionality (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 21, Koch disclosed the limitations, as described in claim 19, and further

discloses, wherein an analysis of the data and operation on the data are performable in various

layers of a layer model including an OSI reference model (Koch, Abstract, col.1 ln.49-65, col.3.

ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42).

Regarding claim 22, Koch disclosed the limitations, as described in claim 9, and further

discloses wherein an extent of a data analysis by the monitoring arrangement for monitoring is

adjustable, wherein the higher-level instance includes at least one of a management and

configuration layer for the network bridge, and wherein the monitoring arrangement for

monitoring encompasses a software component within a network bridge architecture, the

component having at least one of a gateway functionality and a firewall functionality (Koch,

Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 24, Koch disclosed the limitations, as described in claim 22, and further

discloses wherein an analysis of the data and operation on the data are performable in various

layers of a layer model, including an OSI reference model (Koch, Abstract, col.1 ln.49-65, col.3.

ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

7.   Claims 10, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Koch et al. (US Patent #4,715,030), hereinafter referred to as Koch, , in view of Ogus (US Patent

#6,587,875 B1), further in view of Kondou et al. (US Patent #6,519,671 B1), hereinafter referred

to as Kondou.

   Regarding claim 10, Koch disclosed the limitations, as described in claim 9, and further

discloses the use of the network bridge for coupling network buses (Koch, col.4 ln.44-50, col.5

ln.14-20.), however, does not explicitly disclose a network bridge for coupling IEEE 1394.

   Kondou discloses, method of network configuration, method and apparatus for

information processing, and computer-readable media utilizing a bridges. Kondou further

discloses a network bridge wherein the network bridge is for coupling IEEE 1394 buses

(Kondou, Abstract, col.1 ln.8-12, col.1 ln.15-20, col.4 ln.57-61.). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to combine the teachings of

Koch with those of Kondou to implement network bridges for coupling IEEE 1394 buses. One

would have been motivated to do so, as Koch discloses that the invention is used for known

coupling network buses, and IEEE 1394 buses was a well-known standard.

   Regarding claim 20, Koch disclosed the limitations, as disclosed in claim 19, and further

discloses, and wherein the monitoring arrangement for monitoring is configured to one of block

and prioritize at least one of address interfaces, output interfaces, and logged data, on the basis of

an evaluation (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.

Koch discloses various ways of determining the action resulting from monitoring, such as

blocking transmission from certain addresses, etc.).

   However, Koch fails to explicitly disclose a network bridge for coupling IEEE 1394

buses. Kondou discloses, method of network configuration, method and apparatus for

information processing, and computer-readable media utilizing a bridges. Kondou further

discloses a network bridge wherein the network bridge is for coupling IEEE 1394 buses

(Kondou, Abstract, col.1 ln.8-12, col.1 ln.15-20, col.4 ln.57-61.). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to combine the teachings of

Koch with those of Kondou to implement network bridges for coupling IEEE 1394 buses. One

would have been motivated to do so, as Koch discloses that the invention is used for known

coupling network buses, and IEEE 1394 buses was a well-known standard.

Regarding claim 23, Koch disclosed the limitations, as described in claim 22, and further

discloses wherein the monitoring arrangement for monitoring is configured to one of block and

prioritize at least one of address interfaces, input interfaces, output interfaces, and logged data,

on the basis of an evaluation (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8

ln.1-col.9 ln.42. Koch discloses various ways of determining the action resulting from

monitoring, such as blocking transmission from certain addresses, etc.).

However, Koch fails to explicitly disclose a network bridge for coupling IEEE 1394

buses. Kondou discloses, method of network configuration, method and apparatus for

information processing, and computer-readable media utilizing a bridges. Kondou further

discloses a network bridge wherein the network bridge is for coupling IEEE 1394 buses

(Kondou, Abstract, col.1 ln.8-12, col.1 ln.15-20, col.4 ln.57-61.). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to combine the teachings of

Koch with those of Kondou to implement network bridges for coupling IEEE 1394 buses. One

would have been motivated to do so, as Koch discloses that the invention is used for known

coupling network buses, and IEEE 1394 buses was a well-known standard.

Response to Arguments

8.   Applicant's arguments with respect to all pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9.   In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied up on is considered pertinent to applicant's disclosure.

A Shortened statutory period for reply is set to expire 3 month(s) or thirty (30) days, whichever is longer, from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2455

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2455